

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, "Amount, Duration and Scope of Medical and Remedial Services," Iowa Administrative Code.

The proposed amendment eliminates the requirement for completing two forms in order to qualify for Medicaid payment for a hearing aid. Through consultation with the Audiology and Hearing Aid Dispenser Medicaid Advisory Group, the Department has determined that the documentation required on Form 470-0361, Report of Examination for a Hearing Aid, and Form 470-0828, Hearing Aid/Evaluation Selection Report, is available in the patient record and can be submitted upon request. Copying the information onto these forms is a duplication of effort and is unnecessarily time consuming. Selected elements from these forms have been combined into new, shorter Form 470-4767, Examiner Report of Need for a Hearing Aid, which is required only in the few circumstances when prior approval of the hearing aid purchase is required.

This amendment does not provide for waivers in specified situations because it removes restrictions on hearing aid coverage. Requests for waiver of this rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before June 10, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

This amendment is intended to implement Iowa Code section 249A.4.

The following amendment is proposed.

Amend rule 441—78.14(249A) as follows:

**441—78.14(249A) Hearing aids.** Payment shall be approved for a hearing aid and examinations subject to the following conditions:

**78.14(1) Physician examination.** The ~~recipient member~~ shall have an examination by a physician to determine that the ~~recipient member~~ has no condition which would contraindicate the use of a hearing aid. This report shall be ~~made on Form 470-0361, Section A, Report of Examination for a Hearing Aid documented in the patient record.~~ The requirement for a physician evaluation shall be waived for ~~recipients members~~ 18 years of age ~~and or~~ older when the ~~recipient member~~ has signed an informed consent statement acknowledging that the ~~recipient member~~:

a. Has been advised that it may be in the ~~recipient's member's~~ best health interest to receive a medical evaluation from a licensed physician ~~prior to~~ before purchase of a hearing aid.

b. Does not wish to receive a medical evaluation prior to purchase of a hearing aid.

**78.14(2) Audiological testings.** A physician or an audiologist shall perform audiological testing as a part of making a determination that a ~~recipient member~~ could benefit from the use of a hearing aid. ~~The audiologist shall report audiological testing on Form 470-0361, Section B.~~ The department shall cover vestibular testing performed by an audiologist only when prescribed by a physician.

**78.14(3) Hearing aid evaluation.** A physician or an audiologist shall perform a hearing aid evaluation to establish if a ~~recipient member~~ could benefit from a hearing aid. ~~The physician or~~

audiologist shall report the hearing aid evaluation on Form 470-0828, Hearing Aid Evaluation/Selection Report. When a hearing aid is recommended for a recipient member, the physician or audiologist recommending the hearing aid shall see the recipient member at least one time within 30 days subsequent to after purchase of the hearing aid to determine that the aid is adequate.

**78.14(4) *Hearing aid selection.*** A physician or audiologist may recommend a specific brand or model appropriate to the recipient's member's condition. When a physician or an audiologist makes a general hearing aid recommendation, a hearing aid dispenser may perform the tests to determine the specific brand or model appropriate to the recipient's member's condition. ~~The physician, audiologists or hearing aid dispenser shall report the hearing aid selection on Form 470-0828, Hearing Aid Evaluation/Selection Report.~~

**78.14(5) *Travel.*** When a recipient member is unable to travel to the physician or audiologist because of health reasons, the department shall make payment for travel to the recipient's member's place of residence or other suitable location. The department shall make payment to physicians as specified in 78.1(8) and payment to audiologists at the same rate it reimburses state employees for travel.

**78.14(6) *Purchase of hearing aid.*** The department shall ~~make payment pay~~ for the type of hearing aid recommended when purchased from an eligible licensed hearing aid dispenser pursuant to rule 441—77.13(249A). The department shall ~~make payment pay~~ for binaural amplification when:

- a. A child needs the aid for speech development, ~~or~~
- b. The aid is needed for educational or vocational purposes, ~~or~~
- c. The aid is for a blind ~~individual-~~ member,
- d. ~~Payment for binaural amplification shall also be approved where the recipient's~~ The member's hearing loss has caused marked restriction of daily activities and constriction of interests resulting in seriously impaired ability to relate to other people, or ~~where lack~~
- e. Lack of binaural amplification poses a hazard to a recipient's member's safety.

**78.14(7) *Payment for hearing aids.***

- a. to c. No change.
- d. Prior approval. When prior approval is required, Form 470-4767, Examiner Report of Need for a Hearing Aid, shall be submitted along with the forms required by 441—paragraph 79.8(1) "a."

(1) Payment for the replacement of a hearing aid less than four years old shall require prior approval except when the recipient member is under 21 years of age. The department shall approve payment when the original hearing aid is lost or broken beyond repair or there is a significant change in the ~~person's~~ member's hearing that would require a different hearing aid. (Cross-reference 78.28(4) "a")

(2) Payment for a hearing aid costing more than \$650 shall require prior approval. The department shall approve payment for either of the following purposes (Cross-reference 78.28(4) "b"):

1. Educational purposes when the recipient member is participating in primary or secondary education or in a postsecondary academic program leading to a degree and an in-office comparison of an analog aid and a digital aid matched (+/- 5dB) for gain and output shows a significant improvement in either speech recognition in quiet or speech recognition in noise or an in-office comparison of two aids, one of which is single channel, shows significantly improved audibility.

2. No change.

This rule is intended to implement Iowa Code section 249A.4.